



TOWN OF SELBYVILLE

DATE OF APPLICATION: \_\_\_\_\_

1 W Church Street, Selbyville, DE 19975  
TEL (302) 436-8314  
selbyville.delaware.gov

## APPLICATION FOR CONDITIONAL USE

### INSTRUCTIONS & REQUIREMENTS:

1. Submit the completed and signed Application for Conditional Use. Application must include:
  - One (1) copy of a recent survey by a licensed surveyor showing the amount of acreage. Description must conform to the metes and bounds of survey.
  - Copy of the Deed.
  - Five (5) copies of a preliminary site plan as detailed in Section 200-151 (attached)
  - Additional information may be required by the Planning & Zoning Commission and/or the Mayor & Council for the determination of the nature of the proposed use and its effect on the Comprehensive Plan and the surrounding properties.
  - If the applicant is not the property owner, a letter must be submitted with the application from the current property owner authorizing the applicant to file the application on their behalf.

APPLICANT INFORMATION		
Name: _____		
Mailing Address: _____		
Phone #(s): _____		Email: _____
PROPERTY INFORMATION		
Physical Address or Property Location: _____		
Tax Map Parcel #: _____	Total Lot Sq. Footage: _____	Acres: _____
Current Zoning District: _____	Current Use of Property: _____	
Proposed Use Of Property: _____		
List any Proposed Changes to Property Or Building: _____		

**I hereby apply for a conditional use on the property identified above. I certify that all the information and attached documentation provided in this application is correct and further understand that a Public Hearing may be scheduled on the proposed conditional use as determined by the Planning and Zoning Commission. I further acknowledge that the conditional use shall be revoked if the use is not commenced within one year following approval or for failure to comply with the conditions of approval**

### APPLICANT

**SIGNATURE:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### Office Use Only:

Date Received: \_\_\_\_\_

P&Z Review: \_\_\_\_\_ Mayor & Council Review: \_\_\_\_\_

Date

Date

☐ APPROVED By P&Z \_\_\_\_\_ By M&C \_\_\_\_\_

**Building Permit Required?**

☐ DENIED By P&Z \_\_\_\_\_ By M&C \_\_\_\_\_

**YES NO**

*Town of Selbyville, DE  
Monday, November 4, 2019*

## Chapter 200. Zoning

### Article XVII. Conditional Uses

#### § 200-115. Purpose.

The purpose of this article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the Town, require the exercise of planning judgment on location and site plan.

#### § 200-116. Special requirements.

[Amended 11-4-2019]

As appropriate, buildings, structures and uses may be approved by the Mayor and Council of the Town of Selbyville as conditional uses in any district from which they are prohibited, except as otherwise provided, in accordance with the procedures and standards of this article, provided that the location is appropriate and not in conflict with the Comprehensive Plan of the Town of Selbyville, that the public health, safety, morals and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided, and that the necessary safeguards will be provided for this protection of surrounding property, persons and neighborhood values, and further provided that the standards of this article receive compliance. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area and sign requirements shall be the same as for other uses in the district in which the conditional use is located. Approval of a conditional use shall become null and void unless construction, when applicable, is completed or substantially completed, as determined by the Town, within one year following the date of conditional use approval or until the use is commenced within one year following the date of conditional use approval. No business license shall be issued by the Town until the foregoing construction completion and/or use requirements, within the one-year time frame provided, are satisfied. Permits issued under a conditional use approval may be revoked by the Mayor and Town Council for failure to comply with conditions of approval or other applicable requirements, including, but not limited to, federal, state, county or Town regulations.

#### § 200-117. Procedures.

Applications for a conditional use shall be made on forms and filed in the manner prescribed by the Planning and Zoning Commission.

- A. Before taking any action on any proposed conditional use, the Mayor and Council of the Town of Selbyville shall submit the same to the Planning and Zoning Commission of the Town of Selbyville for its recommendation and report. Failure of the Planning and Zoning Commission to report to the Mayor and Council of the Town of Selbyville within 45 days after the application has been referred to it shall be deemed to be approval of the application there submitted.
- B. The Planning and Zoning Commission may hold a public hearing on any proposed conditional use following 10 days' written notice printed in a newspaper of general circulation within the corporate limits of the Town of Selbyville.
- C. Five copies of a preliminary site plan shall be filed with the Mayor and Council of the Town of Selbyville through the Planning and Zoning Commission. The preliminary site plan shall comply with the requirements of this article and shall be accompanied by such other written or graphic material as may be necessary, desirable or required by the Mayor and Council of the Town of Selbyville and the Planning and Zoning Commission.
- D. The Planning and Zoning Commission shall review the site plan for compliance of the requirements of this chapter. Before recommending approval of a site plan, the Planning and Zoning Commission may make reasonable additional requirements, including but not limited to, utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening, accessways, curb-cuts, traffic control, height of buildings and setback of buildings, hours of operation, noise, odor and fencing in order to protect the neighborhood. The site plan shall be amended in accordance with the requirements of the Planning and Zoning Commission before being submitted to the Mayor and Council of the Town of Selbyville for consideration for approval.
- E. Following approval by the Mayor and Council of the Town of Selbyville of the final site plan in the form of a final plat shall be prepared, filed and recorded. This final plat shall comply with the specifications of the Mayor and Council of the Town of Selbyville and the requirements of this article and applicable laws, regulations and ordinances governing the property.
- F. Minor amendments of an approved site plan of a conditional use or of conditions attached to a conditional use may be approved by the Planning and Zoning Commission at a regular meeting after a written report from the Building Inspector and without a public hearing, provided such change or amendment:
  - (1) Does not alter or record a plat;
  - (2) Does not conflict with the general requirements of this chapter;
  - (3) Does not change the general character or content of an approved development plan or use;
  - (4) Applies to an approved condition originating with the Planning and Zoning Commission and not with the Mayor and Council of the Town of Selbyville;
  - (5) Has no appreciable effect on adjoining or surrounding properties;

- (6) Does not increase the approved number of dwelling units or heights or building;  
and
- (7) Does not decrease the minimum specified yard and open spaces of minimum or  
maximum specified parking and loading spaces.

## § 200-118. Conditions for specific uses.

[Amended 2-4-2008]

### A. Conditions for day care

- (1) Any type of day-care facility must have a license from the State of Delaware and a  
license from the Town of Selbyville.
- (2) There shall be 50 square feet of outdoor play space per child.
- (3) All outdoor play spaces shall be fenced with a four foot high fence.
- (4) Provision for adequate parking is required as follows:
  - (a) Family day-care home:
    - [1] Two parking spaces for occupants/residents.
    - [2] Two additional spaces available.
  - (b) Group day-care home:
    - [1] Two parking spaces for occupants/residents.
    - [2] Four extra spaces available.
  - (c) Day-care center:
    - [1] One parking space for every 350 square feet of space in the facility.
    - [2] Plus one parking space per employee.

### B. Neighborhood commercial, business or office use.

- (1) Parking: see Article **XV**, § **200-106**.
- (2) Loading: see Article **XVI**, § **200-111**.
- (3) Lighting: may be established as a condition.
- (4) Signage: see Article **XIV**.
- (5) Buffer. There shall be a landscape buffer of 50 feet in width between the  
conditional use and adjacent properties.
- (6) Hours of operation: may be established as a condition.

*Town of Selbyville, DE  
Monday, November 4, 2019*

## Chapter 200. Zoning

### Article XXI. Administration and Enforcement

#### § 200-151. Preliminary site plan requirements.

- A. The preliminary site plan shall show the North point, scale and date.
- B. The preliminary site plan shall show the following:
  - (1) Plans shall show the seal and signature of a registered Delaware land surveyor, engineer or landscape architect, and all drawings shall be on sheets no larger than 24 inches by 36 inches and at a scale of not more than 100 feet to one inch.
  - (2) The proposed title of the project.
  - (3) Geographical location, showing existing zoning district boundaries.
  - (4) Proposed changes in zoning, if any.
  - (5) Topographic contours at one-foot intervals, unless waived by the Commission as clearly unnecessary to review the project or proposal.
  - (6) The location and nature of all proposed construction, excavation or grading, including but not limited to buildings, streets and utilities.
  - (7) The boundaries of the property involved, county and municipal boundaries, the general location of all existing easements, and property lines, existing streets, buildings or waterways, and other existing physical features in or adjoining the project.
  - (8) Net development area.
  - (9) The approximate location and sizes of sanitary and storm sewers, water mains, culverts and underground structures in or near the project.
  - (10) The approximate number of dwelling units to be included in each type of housing; single-family dwellings, two-family dwellings, townhouses and apartments.
  - (11) Proposed buildings and structures, with dimensions, setbacks and heights designated.
  - (12) The approximate location and size of nonresidential areas, if any, including parking areas, loading areas or other.



- (13) The approximate location and size of recreational areas, if any.
  - (14) The approximate location of point of ingress and egress to existing public highways and streets.
  - (15) The number of construction phases proposed, if any, with the plot showing the approximate boundaries of each phase and the proposed completion date of each phase.
  - (16) Location with respect to each other and to lot lines and approximate height of all proposed building and structures, accessory and main, of major excavations. The location should be drawn to scale but full dimensioning is not required on the preliminary plan.
  - (17) Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
  - (18) General location, height and material of all fences, walls, screen planning and landscaping.
  - (19) General location, character, size, height and orientation of proposed signs.
  - (20) A tabulation of total number of acres in the project gross or net as required in the regulations governing the district in which the project is located, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools and other reservations.
  - (21) A tabulation of the total number of dwelling units of various types in the project and overall density and dwelling units per acre, gross or net as required by the regulations in the district in which the project is located.
  - (22) The location of all wetlands (both state and federal).
  - (23) The location of the one-hundred-year floodplains based on current Flood Insurance Rate Maps.
- C. The Planning and Zoning Commission may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the subject. The final plat shall contain all the features shown on the preliminary site plan with sufficiently adequate dimensions and construction specifications to support the issuing of construction permits.